IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1820 OF 2005

Kishore Vittal More ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Osman A.Chishty for Applicant.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 21, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Having regard to the materials on record, not a case for bail.

3. Counsel for the Applicant, however, submits that even accepting the prosecution case as it is, including the evidence of P.W.1, which has been recorded so far, no offence under Section 307

of the Indian Penal Code is made out.

4. There is no substance in this submission. The Applicant has allegedly assaulted with a chopper on the neck portion of the injured. The fact that the injured could avoid the blow directly on the neck, but in the process, he suffered small cut, does not make the offence lesser than 307. Be that as it may, it is not necessary to elaborate on this aspect, as the trial is still pending against the Applicant.

5. Taking overall view of the matter and the reasons recorded by the lower Court in Paragraphs 2 and 3 of the order, in my opinion, this is not a fit case for bail. Hence, rejected.

6. As prayer for bail is rejected, the concerned Trial Court is directed to conclude the trial as expeditiously as possible, as ‘High Court Expedited Case’, preferably within six months from today.

7. I am informed that the Judge before whom

the trial had commenced, that Court is presently vacant. If it is so, the Principal Judge of the Sessions Court, Greater Bombay to assign the case to the Fast Track Court to ensure early disposal of the trial, as ‘High Court Expedited Case’.

A.M.KHANWILKAR, J.